



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

mobile was subject to forfeiture under the prohibition act (Acts 1918, p. 612, § 57), though under the law of the District the chauffeur became a thief before taking the car from the District, whether the right given the chauffeur by the owner was that of custody or possession.

**2. Intoxicating Liquors (§ 245\*)—Forfeiture Provisions to Be Strictly Enforced.**—In view of the facility with which liquor may be transported in automobiles, the forfeiture provided in the Prohibition Act (Acts 1918, p. 612, § 57) should be strictly enforced, unless the owner did not knowingly part with either custody or possession, especially in view of the declaration of section 58 of the act, providing that all of its provisions shall be liberally construed.

Error to Hustings Court of Richmond.

Information by the Commonwealth to enforce a forfeiture of an automobile seized while engaged in illegal transportation of ardent spirits, which was claimed by Gustav Buchholz. There was a judgment of forfeiture, and the claimant brings error. Affirmed.

*Carlin & Carlin* (Smith & Wools, of counsel), for plaintiff in error.

*John R. Saunders, Atty. Gen., J. D. Hank, Jr., Asst. Atty. Gen., and Leon M. Bazile*, of Richmond, for the Commonwealth.

---

ELLIOTT v. BIRRELL.

March 30, 1920.

[102 S. E. 762.]

**1. Landlord and Tenant (§ 70\*)—Estate From Year to Year or Month to Month Is "Estate for Years."**—An estate from year to year or from month to month is an "estate for years" (citing 8 Words and Phrases, p. 6908).

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Estate for Years. For other cases, see 9 Va.-W. Va. Enc. Dig. 119, 120, 122.]

**2. Landlord and Tenant (§ 114 (1)\*)—Tenancies From Year to Year Created by Agreement or Implication.**—Tenancies from year to year arise either by express agreement or implication, and by judicial construction they have replaced tenancies at will and by sufferance, on account of the uncertainties and injustices of the latter.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 119, 120, 122.]

**3. Landlord and Tenant (§ 114 (1)\*)—How Periodic Tenancy Is Created.**—When a tenant is in possession under a lease for an in-

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

definite term, or under a general permission to occupy and pay a periodical rent, a periodical tenancy is thereby created; the length of the recurring periods being determined by character of the payments.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 119, 120, 122.]

**4. Landlord and Tenant (§ 114 (3)\*)—Tenant for Years, Holding Over, Becomes a Tenant From Year to Year.**—Where landlord allowed a tenant for a term of years to hold over after the expiration of his term, the one paying and the other receiving the rent formerly paid, without any new agreement, the tenant becomes a tenant from year to year; but where previous tenancy was for a term less than a year, the ensuing periodic estate takes the form of tenancy under which the tenant previously held.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 119, 120, 122.]

**5. Landlord and Tenant (§ 114 (1)\*)—Every Tenancy Prima Facie a Tenancy From Year to Year.**—Generally every occupation of land is prima facie a tenancy from year to year, yet it may be shown to be any other tenancy.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 119.]

**6. Landlord and Tenant (§ 114 (1)\*)—Estate At Will Converted Into One For Period Indicated By Payment of Rent.**—In case of estate at will, where there is an entry and payment of rent, the estate is converted into an implied tenancy from year to year, or for some other time, as may be indicated by the payment of rent.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 120, 121.]

**7. Landlord and Tenant (§ 115 (1)\*)—Tenancy From Month to Month Prima Facie Created By Payment of Rent For Period.**—A tenancy from month to month is created by the reservation or the payment of rent with reference to such period, when no period for the duration of the tenancy is named, even though urban property is involved and the holding continues for more than 12 months.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 119, et seq.]

**8. Landlord and Tenant (§ 115 (1)\*)—In Absence of Special Agreement, Lease Presumed to Be For a Month.**—In the absence of any special agreement as to the extent of the lease, it must be presumed to have been a monthly one.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 121, et seq.]

**9. Landlord and Tenant (§ 114 (1)\*)—Length of Recurring Periods on a General Letting Depends on Intention.**—An estate from year to year is not inexorably established on a general letting by the bare fact that rent is accepted or measured by an aliquot part of a year;

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

but the length of recurring periods of estate so established should be derived from the character of the letting, the purpose of the lease, the nature of property leased, the payment of the rent, the annual value of the land, in contrast with the rent paid, and other attendant facts proper to be considered in seeking the intention of the parties.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 119, et seq.]

**10. Landlord and Tenant (§ 115 (1)\*)—Tenancy Construed to Be Tenancy from Month to Month and Not from Year to Year.**—Where a dwelling was leased at an agreed monthly rental of \$25 per month, nothing being said as to the length of the term, the tenancy was from month to month, and not from year to year.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 119, et seq.]

Appeal from Circuit Court, Alexandria County.

Action by Katie Elliott against Edwin M. Birrell. Judgment for plaintiff in justice court was reversed on appeal to the circuit court, and judgment there rendered for defendant, from which plaintiff appeals. Reversed, and judgment entered for plaintiff.

*Charles T. Jesse*, of Rosslyn, for appellant.

*Robinson Moncure*, of Alexandria, for appellee.

HARRISON et al. v. BARKSDALE, Judge.

March 30, 1920.

[102 S. E. 789.]

**1. Mandamus (§ 74 (5)\*)—Duty to Declare Result of Election Is Ministerial Duty Which May Be Enforced.**—The duty of the judge of the circuit court to enter an order declaring a result of a special election for the adoption of the city manager plan of government under Acts 1914, p. 165, as amended by Acts 1916, p. 672, and Acts 1918, p. 402, is a public ministerial act which judge can be compelled to perform by mandamus.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 515, et seq.]

**2. Mandamus (§ 148\*)—Individual Without Special Interest May Bring Suit to Enforce Public Duty.**—Mandamus will lie at the suit of a private individual having no special or pecuniary interest to enforce the performance of a public ministerial duty.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 540.]

**3. Mandamus (§ 51\*)—Entry of Improper Order Declaring Election Result Does Not Prevent Mandamus to Compel Proper Order.**—The entry of improper order declaring the result of a city election

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.